

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ROBERT M. SHARRINGHAUSEN,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 06 CV 2167 JLS (CAB)

**ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION**

(Doc. No. 71)

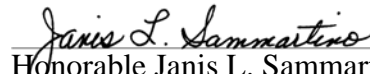
On August 9, 2010, Plaintiff Robert M. Sharringhausen filed a motion to reconsider this Court's order dated July 12, 2010. (Doc. No. 67.) District courts have the inherent authority to entertain motions for reconsideration of interlocutory orders. *Amarel v. Connell*, 102 F.3d 1494, 1515 (9th Cir.1996). Whether to grant or deny a motion for reconsideration is in the sound discretion of the district court. *Navajo Nation v. Norris*, 331 F.3d 1041, 1046 (9th Cir. 2003) (citing *Kona Enter., Inc. v. Estate of Bishop*, 229 F.3d 877, 883 (9th Cir. 2000)). Plaintiff brings the present motion to reconsider pursuant to Federal Rule of Civil Procedure 59(e), asserting that this Court committed clear error. (See *id.* at 2 (citing *289 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)). Specifically, Plaintiff asserts this Court did "not follow Supreme Court precedent or the law in the Ninth Circuit." (Doc. No. 71 at 1.)

As a threshold matter, Plaintiff's motion does not "present[] arguments that had not already been raised" and therefore is not appropriate under Rule 59(e). See *Backlund v. Barnhart*, 778 F.2d

1 1386, 1388 (9th Cir. 1985). Furthermore, the Court finds that it did not commit clear error in its July
2 12, 2010 Order in finding that summons enforcement actions are final decisions on the merits
3 sufficient to preclude re-litigation pursuant to the doctrine of res judicata. As such, the Court
4 **DENIES** Plaintiff's motion to reconsider. The Court further **DENIES** Plaintiff's motion to continue
5 the hearing on the pending motion for judgment on the pleadings. The hearing remains as scheduled
6 for September 30, 2010.

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8 IT IS SO ORDERED.

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10 DATED: August 30, 2010

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12 Honorable Janis L. Sammartino
13 United States District Judge
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